

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
vs)
)
FRANK DEPERGOLA and)
ARMANDO BOTTA)
Defendants)

05 CR 30002-MAP

DEFENDANT, FRANK DEPERGOLA'S BILL OF PARTICULARS

Pursuant to Rule 7(g) of the Federal Rules of Criminal Procedure, the Defendant, Frank Depergola, by his attorney, Michael L. Foy requests the Government to state the following information in the Bill of Particulars:

1. The exact date, time and place when the defendant first participated in any overt act in support or furtherance of the claimed conspiracy.
2. The exact date(s), time(s) and place(s) when defendant engaged in any subsequent overt act(s) in support of the claimed conspiracy.
3. A precise description of the nature of any acts or statements defendant allegedly engaged in or uttered to further the alleged conspiracy. Include the name, address and phone number of each person present when such acts were committed.
4. Exactly how state or federal law enforcement officials determined the defendant was involved in a conspiracy. Produce all information or evidence supporting this belief.
5. The exact date, time and place when the conspiracy began. State the name, address and phone number of all persons present when the conspiracy began.
6. The exact date, time and place when\where the defendant joined in the conspiracy. State the name, address and phone number of all persons present when defendant joined the conspiracy.
7. Precisely describe the "conduct of co-conspirators in furtherance of the conspiracy that was known to the defendant or was reasonably foreseeable."

10. A precise description of information or evidence, including the name, address and phone number of all persons having knowledge, demonstrating that defendant "conspired" with anyone.
11. Identify and provide addresses and phone numbers of all persons who were allegedly co-conspirators or involved in any continuing criminal enterprise with the defendant. Specify when they joined or left the conspiracy and exactly what their participation was.
12. Specify whether the alleged conspiracy was express or implied on the part of defendant and each co-conspirator. If express, state the express agreement. If implied from acts, meetings or statements, describe them.
13. The identity or a full or partial description of the "unknown persons" alleged to be part of the conspiracy.
14. Particularize any overt act, threat or extortionate means by which the defendant is alleged to have committed in the process of collecting an extension of credit, the date, place and the names of the persons present when any of these acts took place.
15. Particularize the extortionate means the defendant utilized to collect extensions of credit, including the date, place and the names of the persons present.
16. Specify the person, date, time, place and act when any victim was placed in fear and what specifically the extortionate act was that caused said fear.
17. Specify the date, time, place the defendant aided and abetted, what he aided and abetted and whom he aided and abetted.

THE DEFENDANT
FRANK DEPERGOLA

Date: January 3, 2006

BY: 

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